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Application Number: 09/853,187

Group Art Unit: 2155

Filed: May 11, 2001

Examiner Name: BATES, Kevin T.

Applicant: ARNESON et al.

Attorney Docket Number: 20-486

TITLE: EVENT NOTIFICATION SYSTEM AND METHOD

Total Number of Pages in this Submission: 78 (26 pages in triplicate)

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SIR:

Transmitted herewith is:

A Corrected Appeal Brief in the above-identified application (26 Pages) in triplicate

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER Amendment	HIGHEST # PREV. PAID FOR	# OF EXTRA CLAIMS	RATE	ADDITIONAL FEE
Total Claims	68	68	0	x \$50 =	\$ 0.00
Independent Claims	12	12	0	x \$200 =	\$ 0.00
Appeal Brief				x \$0=	\$0.00
TOTAL ADDITIONAL FEE:					\$0.00

The Commissioner is hereby authorized to charge any additional fees required under 37 C.F.R. 1.16 or any patent application processing fees under 37 C.F.R. 1.17 associated with this communication, or credit any over payment to **Deposit Account No. 50-0687 under Order No. 20-486.**

Respectfully submitted,

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In re Patent Application of:

ARNESON et al.

Title: **EVENT NOTIFICATION SYSTEM AND METHOD**

December 7, 2006

APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicants submit herewith the following Appeal Brief in triplicate as required by 37 C.F.R. § 1.192.

(1) **REAL PARTY IN INTEREST**

The real party in interest is TeleCommunication Systems, Inc.

(2) **RELATED APPEALS AND INTERFERENCES**

The Applicants and their legal representatives and assignee are not aware of any other appeals or interferences that will directly affect or be directly affected by or have a bearing on the Board's decision in the appealing appeal.

(3) STATUS OF THE CLAIMS

Claims 1-68 are pending in this application. Claims 1-68 stand rejected.

(4) STATUS OF AMENDMENTS

No Amendments have been filed subsequent to the Final Rejection dated October 11, 2005.

(5) SUMMARY OF THE CLAIMED SUBJECT MATTER

Use of on-line computer services, such as, by way of example, electronic mail ("e-mail"), travel reservation services, stock trading services, auction services, and the like, have increased dramatically. Fueling this dramatic increase in the usage of on-line computer services is the emergence of the Internet, and more specifically, the World Wide Web ("WWW"). The ease with which a user can locate and utilize the resources on the WWW has enabled the WWW to emerge as a viable medium for a vendor to offer its on-line services. Typically, the vendor maintains a web server or web site, which is a location on the WWW, through which its on-line services may be utilized.

In many conventional systems, the user needs to be at a computer or a terminal to connect to the web site and utilize the on-line services. For example, the user uses the computer to check for, and access received messages. The connected computer is also used to trigger or activate a feature or function provided by the on-line service. For example, in responding to a received message, the user composes the response message using his or her computer. Thus, the on-line services are generally not accessible beyond the web site and the computers and terminals the user uses to connect to the web site.

Applicants' invention provides for electronic commerce services and features to devices beyond a consumer's personal computer. Messaging services are provided to consumers that notify the consumers of certain events the consumer is interested in. In particular, the consumer is sent a phone

number and/or a claim check that are associated with an event and are used to retrieve event information.

Applicants disclose a method of providing electronic event notification to a communications device, as recited by claim 1, comprising a step of associating a first electronic event message indicating a change associated with a predefined Internet site content with a first phone number such that information about the first electronic event message is provided when a communications device calls the first phone number at, e.g., page 8, lines 10-25 and page 13, lines 1-12. The method further comprises a step of sending the first phone number to the communications device at, e.g., page 8, lines 13-15. Information about the first electronic event message is provided when the communications device calls the first phone number at, e.g., page 8, lines 21-22.

Applicants disclose a method of providing an event notification, as recited by claim 9, comprising a step of receiving an electronic notification of an event indicating a change associated with a predefined Internet site content at, e.g., page 14, lines 19-23. The received electronic notification is associated with at least one phone number at, e.g. page 8, lines 10-11. A message is generated that contains the associated phone number that when called provides information about the electronic notification at, e.g., page 8, lines 10-16. The message is transmitted to a communications device at, e.g., Fig. 1, item 106.

Applicants disclose a method of providing an event notification, as recited by claim 11, comprising associating at least one claim check with an event indicating a change associated with a predefined Internet site content at, e.g. page 16, lines 10-30. At least one communication device identifier is associated with the event at, e.g., page 16, line 20. A message is generated for a communications device, the message containing the associated claim check at, e.g., page 17, lines 1-8.

Applicants disclose a method of providing an event notification, as recited by claim 19, comprising a first claim check and a first communication device identifier that are associated with a first event indicating a change associated with a predefined Internet site content, e.g., page 16, lines 10-30.

The first claim check and a second communications device identifier are associated with a second event at, e.g., page 18, lines 3-19.

Applicants disclose a method of providing an event notification, as recited by claim 25, comprising a first claim check and a first communication device identifier that are associated with a first event indicating a change associated with a predefined Internet site content at, e.g., page 16, line 20. For a first communications device, a first message is generated that comprising the first claim check at, e.g., page 17, lines 1-8. A second claim check and the first communications device identifier are associated with a second event at, e.g., page 18, lines 7-9. For the first communications device, a second message is generated comprising the second claim check at, e.g., page 18, lines 7-9.

Applicants disclose a notification system for a communications device, as recited by claims 28 and 60, comprising a plurality of phone numbers at, e.g., page 8, lines 12-13. An electronic notification of an event is received indicating a change associated with a predefined Internet site content at, e.g., page 14, lines 19-23. At least one phone number is associated with the event at, e.g., page 8, lines 10-11. A message is generated that contains the phone number that when called provides information about the electronic notification at, e.g., page 8, lines 13-16. A means for transmitting the message to a communication device is disclosed at, e.g., Fig. 1, item 106.

Applicants disclose a notification system, as recited by claims 32 and 62, comprising a plurality of claim checks at, e.g., page 16, lines 15-17. An electronic notification of at least one event is received indicating a change associated with a predefined Internet site content at, e.g., page 16, lines 10-30. At least one of the claim checks is associated with the event at, e.g., page 16, lines 10-30. A message is generated that contains the claim check at, e.g., page 16, lines 10-30.

Applicants disclose a notification system, as recited by claims 39 and 66, comprising a plurality of claim checks at, e.g., page 16, lines 15-17. A plurality of communication device identifiers are associated with a plurality of entities at, e.g., page 16, line 20. Electronic data about an event is received

indicating a change associated with a predefined Internet site content for an entity at, e.g., page 16, lines 10-30. The electronic data about the event is associated with at least one of the claim checks and one of the communication device identifiers associated with the entity at, e.g., page 16, lines 10-30. A message is generated that contains the associated claim check at, e.g., page 16, lines 10-30.

Applicants disclose a notification system, as recited by claim 48, comprising a plurality of claim checks at, e.g., page 16, lines 15-17. A plurality of communication device identifiers are provided at, e.g., page 16, line 20. An electronic notification of a first event is received indicating a change associated with a predefined Internet site content at, e.g., page 16, lines 10-30. A first claim check and a first communication device identifier are associated with the first event at, e.g., page 16, lines 10-30. Electronic notification is received of a second event with first the claim check and a second communication device identifier being associated with the second event at, e.g., page 18, lines 3-19.

(6) **GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

(A) Whether claims 1-68 are obvious under 35 U.S.C. §103(a) over U.S. Pat. No. 6,636,733 to Helferich ("Helferich") in view of U.S. Pat. No. 6,633,910 to Rajan *et al.* ("Rajan").

(7) **ARGUMENT**

(A) Claims 1-68 are not obvious under 35 U.S.C. § 103(a) over Helferich in view of Rajan.

All rejected claims 1-68 require a system and method to indicate a change associated with a predefined Internet site content and to **provide a phone number that when called provides information about the change associated with a predefined Internet site content.**

Helferich appears to disclose a system and method of sending voice and text messages to a wireless messaging device (see col. 1, line 32-col.

2, line 65). A user of the wireless messaging device receives an email from the Internet and is able to respond with a voice message and text message (see Helferich, col. 4, lines 1-67). Voice attachments may be attached to the email for access by the wireless messaging device that has such capability (see Helferich, col. 7, lines 43-67). Alternately, a telephone callback number or pseudo telephone number (col. 4, lines 6-10) is assigned to retrieve text messages and message alerts (col. 3, lines 21-23).

Helferich discloses a user of a wireless messaging device receiving notification of an email awaiting retrieval, with no disclosure or suggestion of monitoring Internet site content, much less a **change** associated with a predefined Internet site content. Therefore, Helferich's discloses notification of a new email message awaiting retrieval **NOT** based a **change associated with a predefined Internet site content**, as recited by claims 1-10, 28-31, 60 and 61.

The Examiner acknowledges that Helferich fails to disclose a very important claimed feature, i.e., an event message that is an indication of a change associated with a predefined Internet site content (See Office Action dated October 11, 2005, page 3). The Examiner relies on Rajan to allegedly make up for the deficiencies in Helferich to arrive at the claimed features. The Applicants respectfully disagree.

Rajan appears to disclose an Internet subscription system for alerting subscribers to changes in data maintained at Internet sites (Rajan, col.3, lines 44-53). Cellular phones are sent e-mail notification when the changes in data maintained at Internet sites is detected (See Rajan, col. 16, lines 2-7).

Rajan relies on e-mail notification to provide information about changes in data maintained at Internet sites. Thus, Rajan relies on an e-mail notification **NOT** a phone number, i.e., a system and method having a communications device call a phone number to retrieve information, i.e., a system and method to indicate a change associated with a predefined Internet site content and to **provide a phone number that when called provides information about the change associated with a predefined Internet site content**, as recited by claims 1-10, 28-31, 60 and 61.

Thus, even if it were obvious to modify Helferich with the disclosure of Rajan (which it is not as discussed below), the theoretical result would be a system and method of sending a message to a user containing a phone number that when called provides information about a waiting email message (Helferich), and providing an email message to a user containing information about changes in data maintained at Internet sites (Rajan). Thus, nothing within the cited prior art discloses or suggests anything other than use of an email message to alert a user of changes to an Internet site. Helferich modified by the disclosure of Rajan fails to disclose or suggest a system and method of providing a phone number that when called provides information about the change associated with a predefined Internet site content, i.e., a system and method to indicate a change associated with a predefined Internet site content and to provide a phone number that when called provides information about the change associated with a predefined Internet site content, as recited by claims 1-10, 28-31, 60 and 61.

Moreover, the Examiner alleges that the motivation to modify Helferich with the disclosure of Rajan “in order to the user to know of anything has changed on a defined data location, rather than wasting bandwidth and money checking periodically if there has been changes”. (See Office Action dated October 11, 2005, page 3). However, the Examiner’s alleged motivation to modify Helferich is the Rajan’s disclosed reason for delivering an email message to a user instead of having a user use bandwidth to log onto the Internet to review changes. However, the Examiner’s alleged modification of Helferich, i.e., Rajan’s disclosed benefit of his invention, to provide a phone number would STILL require a user to “waste” bandwidth to CALL the phone number and listen to changes associated with a predefined Internet site content, both requiring use of network bandwidth. Thus, the Examiner’s motivation to modify Helferich that would require calling a telephone number to retrieve desired information would NOT result in the bandwidth savings that resulted in Rajan’s sending an email message containing the desired information.

Moreover, “Teachings of references can be combined only if there is some suggestion or incentive to do so.” In re Fine, 5 USPQ2d 1596,1600

(Fed. Cir. 1988) (quoting ACS Hosp. Sys. v. Montefiore Hosp., 221 USPQ 929, 933 (Fed. Cir. 1984)) (emphasis in original). Helferich fails disclose or suggest providing a phone number for anything other than retrieval of an email message. Rajan fails to disclose or suggest anything other than providing an email message to a user associated with changes to Internet content. Thus, nothing within the cited prior art discloses or **suggests** providing a phone number to access a change associated with an Internet site content, i.e., a system and method to indicate a change associated with a predefined Internet site content and to **provide a phone number** that when called provides information about the change associated with a predefined Internet site content, as recited by claims 1-10, 28-31, 60 and 61.

A benefit of a system and method to indicate a change associated with a predefined Internet site content and to **provide a phone number that when called provides information about the change associated with a predefined Internet site content** is, e.g., allowing communication devices with limited data retrieval capability to monitor changes to Internet site content. Many communication devices have limited data display capability, with some only able to display Caller ID data. However, by providing a communications device with a telephone number a user is able to call to retrieve data indicating a **change associated with a predefined Internet site content**, the user is still able to monitor changes. The cited prior art fails to disclose or suggest the claimed features having such benefits.

Claims 11-27 and 32-59 and 62-68 recite a system and method of associating at least one **claim check with an event indicating a change associated with a predefined Internet site content**.

As discussed above, Helferich discloses a user of a wireless messaging device receiving notification of an email awaiting retrieval, with no disclosure or suggestion of monitoring Internet site content. The Examiner alleges that Helferich discloses a message containing a claim check at col. 4, lines 11-14. However, a review of Helferich at col. 4, lines 11-14 **fails** to disclose or suggest use of a claim check for any purpose, much less associating at least

one **claim check with an event indicating a change associated with a predefined Internet site content**, as recited by claims 1-10, 28-31, 60 and 61.

As discussed above, Rajan relies on e-mail notification to provide information about changes in data maintained at Internet sites. Thus, Rajan relies on a system and method of sending information to a communication device, i.e., an email notification, **NOT** associating at least one **claim check with an event indicating a change associated with a predefined Internet site content**, as recited by claims 1-10, 28-31, 60 and 61.

Thus, even if it were obvious to modify Helferich with the disclosure of Rajan (which it is not), the theoretical result would be a system and method of sending a message to a user containing a phone number that when called provides information about a waiting message (Helferich), and providing a user with an email message containing information about changes in data maintained at Internet sites (Rajan). Thus, nothing within the cited prior art discloses or suggests anything other than use of an **email message** to alert a user of changes to an Internet site. Helferich modified by the disclosure of Rajan fails to disclose or suggest use of a **claim check for any purpose**, much less associating at least one **claim check with an event indicating a change associated with a predefined Internet site content**, as recited by claims 1-10, 28-31, 60 and 61.

It is respectfully submitted that not only does this rejection fail on its face, and thus is improper, but also in light of the above comments its clear that Helferich in view of Rajan does not render obvious any of claims 1-68. Thus, the rejection of claims 1-68 under 35 U.S.C. § 103(a) is improper and should be reversed.

CONCLUSION

For all the reasons set forth above, the rejections of claims 1-68 are improper and should be reversed. The Applicants therefore respectfully request that this Appeal be granted and that the rejections of the claims be reversed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'William H. Bollman', written over a horizontal line.

William H. Bollman
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APPENDIX

CLAIMS INVOLVED IN THE APPEAL

1. A method of providing electronic event notification to a communications device, comprising:

associating a first electronic event message indicating a change associated with a predefined Internet site content with a first phone number such that information about said first electronic event message is provided when a communications device calls said first phone number;

sending said first phone number to said communications device;
and

providing information about said first electronic event message when said communications device calls said first phone number.

2. The method of providing electronic event notification to a communications device according to claim 1, further comprising:

disassociating said first phone number from said first electronic event message once said communications device contacts said first phone number.

3. The method of providing electronic event notification to a communications device according to claim 2, further comprising:

associating said first phone number with a second electronic event message after said information about said first electronic event message is provided.

4. The method of providing electronic event notification to a communications device according to claim 1, further comprising:

obtaining a communications device identifier when said communications device dials said first phone number; and

using said communications device identifier to identify said first electronic event message.

5. The method of providing electronic event notification to a communications device according to claim 1, further comprising:

associating said communications device with an entity.

6. The method of providing electronic event notification to a communications device according to claim 5, further comprising:

receiving a second electronic event message intended for said entity;

associating said second electronic event message with a second phone number such that information about said second electronic event message is provided when said communications device contacts said second phone number;

sending said second phone number to said communications device; and

providing information about said second electronic event message when said communications device contacts said second phone number.

7. The method of providing electronic event notification to a communications device according to claim 5, further comprising:

- associating a second communications device with a second entity;
- receiving a second electronic event message intended for said second entity;

- associating said second electronic event message with said first phone number such that said information about said second electronic event message is provided when said second communications device contacts said first phone number;

- sending said first phone number to said second communications device; and

- providing information about said second electronic event message when said second communications device contacts said first phone number.

8. The method of providing electronic event notification to a communications device according to claim 7, further comprising:

- obtaining a second communications device identifier when said second communications device dials said first phone number; and

- using said second communications device identifier to identify said second electronic message.

9. A method of providing an event notification, comprising:

- receiving an electronic notification of an event indicating a change associated with a predefined Internet site content;

- associating said received electronic notification with at least one phone number;

- generating a message that contains said associated phone number that when called provides information about said electronic notification; and

- transmitting said message to a communications device.

10. The method of providing an event notification according to claim 9, further comprising:

responding to a contact to said associated phone number to provide access to said event.

11. A method of providing an event notification, comprising:

associating at least one claim check with an event indicating a change associated with a predefined Internet site content;

associating at least one communication device identifier with said event; and

generating a message for a communications device, said message containing said associated claim check.

12. The method of providing an event notification according to claim 11, further comprising:

transmitting said message to said communications device.

13. The method of providing an event notification according to claim 12, further comprising:

providing information about said event to said communications device.

14. The method of providing an event notification according to claim 11, further comprising:

displaying said message on said communications device.

15. The method of providing an event notification according to claim 11, further comprising:

displaying said event on said communications device.

16. The method of providing an event notification according to claim 11, further comprising:

providing one or more options associated with the event.

17. The method of providing an event notification according to claim 11, further comprising:

receiving a user response to said event.

18. The method of providing an event notification according to claim 11, further comprising:

processing a user response to said event.

19. A method of providing an event notification, comprising:

associating a first claim check and a first communication device identifier with a first event indicating a change associated with a predefined Internet site content; and

associating said first claim check and a second communications device identifier with a second event.

20. The method of providing an event notification according to claim 19, further comprising:

generating for said first communications device a first message with said first claim check.

21. The method of providing an event notification according to claim 20, wherein:

said first message comprises data about said first event.

22. The method of providing an event notification according to claim 20, further comprising:

generating for said second communications device a second message with said first claim check.

23. The method of providing an event notification according to claim 22, wherein:

said second message comprises data about said second event.

24. The method of providing an event notification according to claim 19, wherein:

said first claim check is a phone number.

25. A method of providing an event notification comprising:

associating a first claim check and a first communication device identifier with a first event indicating a change associated with a predefined Internet site content;

generating for a first communications device a first message comprising said first claim check;

associating a second claim check and said first communications device identifier with a second event; and

generating for said first communications device a second message comprising said second claim check.

26. The method of providing an event notification according to claim 25, wherein:

said claim check is one of a plurality of phone numbers.

27. The method of providing an event notification according to claim 25, wherein:

said first communications device identifier is said phone number assigned to said first communications device.

28. A notification system for a communications device comprising:
a plurality of phone numbers; and

a messaging module executing on a processor, said messaging module being configured to receive an electronic notification of an event indicating a change associated with a predefined Internet site content, to associate at least one phone number with said event, and to generate a message for a communications device, said message containing said phone number that when called provides information about said electronic notification.

29. The notification system for a communications device according to claim 28, further comprising:

an application module that is responsive to a contact to said phone number to provide access to said event.

30. The notification system for a communications device according to claim 28, wherein:

said message further comprises a summary of said event.

31. The notification system for a communications device according to claim 28, wherein:

said communications device is a wireless device.

32. A notification system, comprising:
a plurality of claim checks; and
a messaging module that is configured to receive an electronic notification of at least one event indicating a change associated with a predefined Internet site content, to associate at least one of said claim checks with said event, and to generate a message that contains said claim check.

33. The notification system according to claim 32, wherein:
said claim check is a phone number that when contacted provides information about said event.

34. The notification system according to claim 32, wherein:
said message is transmitted to a communications device.

35. The notification system according to claim 32, wherein:
a plurality of communication device identifiers are associated with a plurality of entities.

36. The notification system according to claim 35, wherein:
said event notification identifies at least one entity.

37. The notification system according to claim 36, wherein:
said messaging module is configured to determine an communication device identifier associated with an identified entity, and to associate said communication device identifier with said event.

38. The notification system according to claim 37, wherein:
said messaging module obtains said communication device identifier when said communications device uses said claim check; and
wherein said messaging module uses said communication device identifier to identify said event.

39. A notification system, comprising:

a plurality of claim checks;

a plurality of communication device identifiers associated with a plurality of entities; and

a messaging module that is configured to receive electronic data about an event indicating a change associated with a predefined Internet site content for an entity, to associate said electronic data about said event with at least one of said claim checks and one of said communication device identifiers associated with said entity, and to generate a message that contains said associated claim check.

40. The notification system according to claim 39, wherein:

said messaging module is configured to provide said entity one or more action options which permit said entity to request one or more actions in response to said event.

41. The notification system according to claim 40, wherein:

said one or more actions include retrieving electronic data about said event.

42. The notification system according to claim 40, wherein:

said one or more actions include requesting a purchase.

43. The notification system according to claim 40, wherein:

said one or more actions include accessing one or more other events in said notification system.

44. The notification system according to claim 40, wherein:

said one or more actions include requesting a transmission of a response message.

45. The notification system according to claim 39, further comprising:

an event retrieval module.

46. The notification system according to claim 45, wherein:
said event retrieval module reads said event to said user.

47. The notification system according to claim 45, wherein:
said event retrieval module displays said event on said communications device.

48. A notification system, comprising:
a plurality of claim checks;
a plurality of communication device identifiers; and
a messaging module that is configured to receive electronic notification of a first event indicating a change associated with a predefined Internet site content, to associate a first claim check and a first communication device identifier with said first event, to receive electronic notification of a second event, and to associate said first claim check and a second communication device identifier with said second event.

49. The notification system according to claim 48, wherein:
said messaging module is configured to generate a first message with said first claim check.

50. The notification system according to claim 49, wherein:
said first message comprises data about said first event.

51. The notification system according to claim 49, wherein:
said messaging module is configured to generate a second message with said first claim check.

52. The notification system according to claim 51, wherein:
said second message comprises data about said second event.

53. The notification system according to claim 48, wherein:
said claim check is a phone number.

54. The notification system according to claim 48, wherein:
said claim check is an event identifier.

55. The notification system according to claim 49, wherein:
said first message is a short message to a wireless device.

56. The notification system according to claim 49, wherein:
said first message is a summary message of said event.

57. The notification system according to claim 48, wherein:
said communication device identifier is a mobile directory number.

58. The notification system according to claim 48, wherein:
said messaging module executes on a computer server.

59. The notification system according to claim 48, wherein:
said messaging module is part of a web site.

60. A notification system, comprising:
means for storing a plurality of phone numbers;
means for receiving an electronic notification of an event indicating a change associated with a predefined Internet site content;
means for associating at least one of said plurality of phone numbers with said event;
means for generating a message that contains said at least one of said plurality of phone numbers that when called provides information about said electronic notification; and
means for transmitting said message to a communications device.

61. The notification system according to claim 60, further comprising:
means for responding to a contact to said associated phone number to provide access to said event.

62. A notification system, comprising:
means for maintaining a plurality of claim checks;
means for maintaining a plurality of device check identifiers;
means for receiving an electronic notification of an event indicating a change associated with a predefined Internet site content;
means for associating at least one of said claim checks and one of said device identifiers with information about said event; and
means for generating a message that contains said associated claim check.

63. The notification system according to claim 62, further comprising:
means for retrieving said event.

64. The notification system according to claim 62, further comprising:

means for offering one or more options associated with said event.

65. The notification system according to claim 62, further comprising:

means for generating one or more responses to said event.

66. A notification system, comprising:

means for storing a plurality of claim checks;

means for storing a plurality of communication device identifiers;

means for receiving an electronic notification of a first event indicating a change associated with a predefined Internet site content;

means for associating a first claim check and a first communication device identifier with information about said first event;

means for generating a message for said first event;

means for transmitting the message to the communications device identified by the first communication device identifier;

means for receiving an electronic notification of a second event;

and

means for associating a second claim check and said first communication device identifier with information about said second event.

67. The notification system according to claim 66, further comprising:

means for receiving a request to access said second event; and

means for providing access to said second event.

68. The notification system according to claim 67, wherein:
means for providing access to said second event in response to
receiving said second claim check.

EVIDENCE APPENDIX

None

RELATED PROCEEDINGS APPENDIX

None